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Report of the Secretary-General on the Sudan

I. Introduction

1. The present report is submitted pursuant to paragraph 11 of Security Council resolution 1590 (2005) of 24 March 2005, in which the Council requested me to keep it regularly informed of the progress in implementing the Comprehensive Peace Agreement, respect for the ceasefire and the implementation of the mandate of the United Nations Mission in the Sudan (UNMIS). The report also provides an assessment of the overall situation in the country since my previous report to the Council, dated 12 September 2005 (S/2005/579).

II. Implementation of the major elements of the Comprehensive Peace Agreement

2. In the period since my last report, the implementation of the Comprehensive Peace Agreement gained some momentum despite the delays following the death of First Vice-President John Garang on 30 July 2005. After considerable dispute over the allocation of some ministerial portfolios, most notably that of energy and mining, the Government of National Unity was established on 20 September. Some Sudanese observers claimed that the refusal of the National Congress Party (NCP) to relinquish the energy and mining portfolio called into question its commitment to make unity attractive to the people of southern Sudan. Other observers fear that the commitment of some leaders of the Sudan People's Liberation Movement (SPLM) to unity may be shallow. However, the establishment of both the Government of National Unity and the Government of Southern Sudan, as well as the adoption of the Interim Constitution of Southern Sudan, gives grounds for optimism.

3. Members of the National Democratic Alliance have subsequently agreed to join the Government of National Unity and have been allocated a number of executive positions and seats in parliament. While other northern parties have decided to stay in opposition, they have stated their respect for the Comprehensive Peace Agreement and look forward to future elections and to a more inclusive political process. Some southern parties, other than SPLM, have also joined the Government of National Unity.

4. In another welcome development, the Government of Southern Sudan was established on 22 October as a caretaker government, pending the adoption of the

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Interim Constitution of Southern Sudan, which was subsequently signed into law on 5 December. Ten southern Sudan state governors were also appointed during this period. Although the Government of Southern Sudan includes a number of small southern parties, the new cabinet, which includes many of the senior leaders of SPLM, has been criticized by some as lacking adequate representation of women and not being fully representative of the south. Some members of the Southern Sudan Legislative Assembly have alleged an ethnic imbalance in the Government of Southern Sudan.

5. After considerable delays, a number of key Comprehensive Peace Agreement commissions were established and staffed, and some of the specific legislation required to create the remaining commissions was adopted. The presidency issued decrees to establish the Assessment and Evaluation Commission, the National Petroleum Commission, the Fiscal and Financial Allocation and Monitoring Commission and the Technical Ad Hoc Border Committee. The Assessment and Evaluation Commission, chaired by Norway, has held its first two meetings, and UNMIS has initiated steps to work closely with it and the secretariat that will support it under a clear division of responsibility. The membership of the Ceasefire Political Commission was announced in November, following its establishment in August, and will contain representatives of NCP, SPLM, the Intergovernmental Authority on Development (IGAD), the IGAD Partners Forum and the United Nations as a full member.

6. At the same time, the presidency has yet to implement the decision of the Abyei Boundary Commission, defining the borders of the Abyei area. The delay has contributed to a tense situation in this vital area of the country. The situation on the ground was further complicated by a sudden upsurge of returns, and a military build-up by the Sudanese Armed Forces (SAF), the Sudan People's Liberation Army (SPLA) and the South Sudan Defence Force. With the start of the migration season, concern about possible clashes between the Missiriya and Dinka tribes is growing. To respond to these challenges, UNMIS has increased its presence in Abyei and completed the deployment of the United Nations protection force there. The Mission has encouraged the authorities to establish both the Executive Council and the Joint Integrated Unit in Abyei to normalize the situation and contribute to confidence-building measures in the area. UNMIS has convened meetings with the parties on the ground to discuss areas of mutual concern, including security and migratory routes. United Nations agencies have also started to plan humanitarian and developmental programmes in Abyei to help promote peaceful coexistence.

7. In the meantime, the problem of other armed groups remains of crucial importance in southern Sudan. Negotiations are ongoing between First Vice-President Salva Kiir and leaders of other armed groups on their participation in southern state governments. Some leaders of other armed groups have been offered government positions. Although the parties have registered a sizeable proportion of the other armed groups as having aligned with either SAF or SPLA, in many cases, this relationship is not firm enough to meet the Comprehensive Peace Agreement standard of "incorporation", and a considerable number of other armed groups remain completely outside the process. Those remaining "independent" are a source of growing concern, as the Comprehensive Peace Agreement deadline of 9 January 2006 for full integration approaches. Meanwhile, extortion schemes, illegal taxation, forced recruitment and violence attributed to other armed groups still continue in some areas.

8. During the reporting period, significant regional developments that have implications for the stability of the Sudan occurred. While there was an exchange of high-level visits between Eritrea and the Sudan signalling an improvement of relations, the threat of renewed conflict between Eritrea and Ethiopia has potentially serious implications for stability and security in the Sudan and the whole region. In addition, against a background of increased violence by the Lord's Resistance Army (LRA) in southern Sudan and neighbouring countries, Ugandan and Sudanese authorities, including SPLM, extended the protocol allowing the Ugandan People's Defence Forces to pursue LRA rebels within southern Sudan. I urge them to cooperate closely to address this pressing issue. In another worrisome development, a group of Chadian deserters took refuge in the Darfur region, straining relations between the Sudan and Chad and adding yet another destabilizing factor to the complex regional picture.

9. In response to these and other challenges, UNMIS has increased its collaboration with other United Nations missions in the area through substantive interaction with the United Nations Organization Mission in the Democratic Republic of the Congo, the United Nations Office at Nairobi, the United Nations Mission in Ethiopia and Eritrea and the United Nations country team in Chad, to exchange information and coordinate responses to the various shared challenges. In addition, UNMIS discussed with the Ugandan and Sudanese Governments the modalities of its collaboration in the context of the renewed protocol and agreed to share information with them.

Darfur

10. As stated in my report on Darfur dated 23 December 2005 (S/2005/825), the seventh round of the peace talks led by the African Union (AU) opened in Abuja on 29 November in the presence of my Special Representative for the Sudan, Jan Pronk. While some progress was made at the sixth round of talks, considerable time was lost in efforts to help resolve the internal leadership struggle within the Sudan Liberation Movement (SLM).

11. Between the sixth and seventh rounds, the international community made several efforts to coordinate its actions and to mend the rift within SLM. My Special Representative convened a well-attended meeting of special envoys in Khartoum to discuss the SLM question, the conditions for peace and a coordinated international strategy for Darfur, especially for the post-Abuja period. UNMIS is supporting efforts aimed at ensuring a unified SLM position at the current round of talks. In a welcome development, SPLM is represented in the delegation of the Government of National Unity to the seventh round of Abuja talks on Darfur.

12. During the reporting period, UNMIS continued to provide logistical and substantive support to the Panel of Experts concerning the Sudan, established pursuant to Security Council resolution 1591 (2005).

III. Implementation of the mandate of the United Nations Mission in the Sudan

Political support and conflict reconciliation

13. Pursuant to paragraph 3 of resolution 1590 (2005), UNMIS continued to provide good offices and political support to assist the parties in implementing the Comprehensive Peace Agreement and resolve all ongoing conflicts in the Sudan. UNMIS continued to meet regularly with officials of the Government of National Unity, the Government of Southern Sudan and opposition groups in an effort to encourage wider participation in and support for the peace process.

14. In the east, UNMIS continued discussions with the Eastern Front leadership in both Asmara and Khartoum, and with the Sudanese Government, urging them to start talks at the earliest opportunity. UNMIS has made a number of suggestions on the modalities of such talks, which were received positively. The Eastern Front, after discussion with some individual donors, insisted on a capacity-building workshop to prepare the talks. This took place in Asmara and was facilitated by a British non-governmental organization (NGO). In mid-October, the Libyan Arab Jamahiriya offered to mediate talks between the Sudanese Government and the Eastern Front, an offer that has apparently been accepted by both parties. Since then, both parties have been silent about the way forward.

15. Progress in the eastern Sudan peace effort has been slow, due partially to the parties' lack of clarity on mediation and the venue for the talks. In the meantime, an increased militarization of youth has been noted in the eastern region ahead of the redeployment of SPLA from that area, due by 9 January 2006. I am also very concerned that the Eastern Front has continued to deny the United Nations access to the area of Hameshkoreib, on the border with Eritrea.

16. As part of its mandate, UNMIS continued to facilitate, support, and encourage local reconciliation initiatives in areas of conflict within the Sudan. The Government of National Unity itself has yet to begin a national process of reconciliation. While Government-sponsored local reconciliation initiatives in Darfur have taken place and produced some results, they have often been perceived by the armed movements as favouring the Arab population and have encountered resistance by those who feel that reconciliation is imposed in unjust terms. Despite this, reconciliation initiatives, if meeting conditions of fairness and transparency, can be an important vehicle for making peace more sustainable.

17. While violence and atrocities continue in Darfur, some grass-roots reconciliation initiatives are also taking place. In south-east Darfur, communities in El Daein have tried to reach out to each other, leading to the reopening of several markets and some improvement in the economic situation. Even in West Darfur, despite the upsurge in violence, potential bloodshed was averted when traditional leaders in the area quickly came together to investigate an incident in which nomads in El-Geneina allowed their livestock into cultivated fields where crops were yet to be harvested. The nomads were ordered to pay restitution.

18. In Abyei, UNMIS hosted the first meeting in many years between Dinka Ngok and Missiriya leaders to discuss the seasonal migration of Missiriya nomads through Dinka Ngok farming areas, and other issues that could lead to conflict between the

two tribes. The leaders agreed to revive the biannual tribal conferences that used to be held in the 1960s to solve problems between nomads and farmers.

19. In southern Sudan, earlier proposals for intercommunal reconciliation, following the August riots in Juba, met with some resistance. Local organizations which had previously supported the initiatives feared that reconciliation was premature and that resurrecting painful issues could lead to more problems. In Equatoria, a number of intertribal conflicts have erupted into alarming violence, increasing insecurity across southern Sudan. Dozens of civilians were killed in clashes between Zande and Bor Dinka in Yambio, Western Equatoria, at the beginning of November. Further clashes, this time between Dinka and Moru tribes, claimed the lives of 18 civilians in Mundri county, Western Equatoria, in mid-November. Fifteen civilians were killed in fighting between Moro and Mbororo tribes in the first week of December near Mundri.

20. LRA has perpetrated several vicious attacks on villages and, although exact figures are not available, is believed to have killed and injured dozens of civilians over the reporting period. Since the International Criminal Court indictment, LRA has also started targeting the United Nations and NGOs, hampering their activities in southern Sudan. UNMIS has coordinated its activities with others in the area to address the situation and carry on with its work. Mistrust continues between SAF and SPLA, and there is little actual coordination between them with regard to LRA.

Liaison with the African Union Mission in the Sudan

21. UNMIS continued to liaise and work closely with the African Union Mission in the Sudan (AMIS), through regular contacts with the AU Special Representative in the Sudan, through the AU presence in Darfur and through periodic meetings between the United Nations Assistance Cell and the AU leadership in Addis Ababa. The Assistance Cell also continued its assistance to AU in the areas of operational planning and management.

22. In addition to its role of assisting the AU Commission in the planning and management of AMIS, the Assistance Cell participated in the periodic African Union meeting between the Peace and Security Department and the African subregional mechanisms for conflict prevention, management and resolution. The Assistance Cell also attended the annual technical meeting between AU, the members of the Group of Eight and other partners, in Addis Ababa on 26 October.

23. UNMIS continued to strongly support AU during the sixth and seventh rounds of the Abuja talks by providing good offices, substantive expertise and logistical support for participants attending the talks.

Status-of-forces agreement

24. Following discussions at the technical level, the Government has agreed to language allowing UNMIS unrestricted freedom of movement, accepting continuing self-registration of UNMIS vehicles and granting a deferral from national service obligations to locally recruited Sudanese personnel while in United Nations employment. As the present report goes to print, the Government is reviewing the final text in preparation for signature by year's end. Separately, although the Government acknowledges that the model status-of-forces agreement permits UNMIS to clear goods free of charge, it is requiring the Mission to engage the

services of a commercial clearing agent, at significant expense to the United Nations. Furthermore, inordinate delays in the release of consignments of mission-essential United Nations-owned assets continue to hamper the operation.

25. Pursuant to paragraph 8 of resolution 1590 (2005), memorandums of understanding with Uganda and Kenya for the free, unhindered and expeditious movement to the Sudan of UNMIS personnel and equipment have yet to be finalized. I hope this can be achieved as soon as possible.

Military deployment and activities

26. The pace of the United Nations military deployment has increased but remains behind schedule, owing largely to delays in the force-generation process. As at 13 December, the strength of the military contingent stood at 4,291 personnel, or 40 per cent of an expected total of 9,880. At present, 154 staff officers, 468 military observers and 3,669 contributed troops are deployed from 51 countries. According to revised plans, the total number of military personnel deployed should exceed 7,000 by mid-February 2006. However, this is far below the foreseen requirement. Although deployment of United Nations military observers should be completed by the end of January 2006, the delayed mobilization of essential aviation, engineering and demining units by several troop-contributing countries raises serious concerns as to whether the monitors will have the logistical and other support that is so critical to their effectiveness across the vast area of the ceasefire zone. Moreover, delays in the deployment of enabling units have consequences that limit protection capacities.

27. As noted above, the security situation in the UNMIS area of responsibility during the past three months remained tense, particularly in Sector I (Juba). Phase IV was declared there after the deliberate killing of two United Nations contractors working with a demining company.

28. Operational sector composite groups have been deployed to Juba, Malakal, Kadugli, Ed Damazin, Abyei and Kassala. However, the delay in the deployment of some aviation units has negatively affected the military component's mandated activities. In particular, it remains critical to have an aviation unit in Sector I (Juba), as UNMIS lacks the air capability to respond to LRA activities in the area or to serious security incidents, such as the recent repeated outbreaks of Zande-Dinka fighting in Yambio. In the meantime, Bangladeshi, Indian and Pakistani contingent-owned equipment, which needs to be in place prior to full military deployment, is in transit in their respective sectors. Sector I contingent-owned equipment will be delivered in December via the Yei-Juba road, now cleared of mines.

29. In Sector II (Wau), the Kenyan force-protection contingent has started to deploy, a precondition for deployment of the Chinese contingent (transport company, engineer company and level II hospital). The Bangladeshi riverine unit has arrived in the Mission area and is being moved forward to Malakal. The Nepalese contingent at redeployment coordination headquarters, Kassala, has undergone its first rotation. The Rwandan protection company at force headquarters took over from the Standby High-Readiness Brigade on 12 December. Thirteen additional radio rooms have been made functional throughout the sectors to provide basic communication facilities. The Mission also acknowledges a $1.7 million donation of equipment from the Government of Japan, including vehicles, tents and landmine detection devices, delivered in Mombassa in October.

30. Significant progress has been made in the preparation of UNMIS team sites. Sites at Juba, Malakal, Dilling, Abyei, and Kassala are fully functional, while Torit, Melut, Bentiu, Kadugli, Kauda, Ed Damazin, Maridi, Wau, Rumbek and Dindirou (many of which are already partially occupied by United Nations military observers) are expected to be completed during the course of December. The United States of America has assisted the Mission by allowing it to use the Malakal compound of the Civilian Protection Monitoring Team, whose mandate ended on 31 October 2005.

31. The Ceasefire Joint Military Committee has held 15 meetings under the chairmanship of the UNMIS Force Commander and continues to work effectively. It is developing as a forum for oversight, coordination and liaison between the parties, facilitating both parties' implementation of the ceasefire agreement. Most movements are now reported to the Committee seven days in advance. While considerable progress has been made in the collection of data to permit verification and monitoring, both parties have yet to provide complete data for all sectors. The Committee has succeeded in forging consensus on a number of disagreements between the parties — for example on the entry of SPLA troops dedicated to the formation of Joint Integrated Units in Abyei and Torit. UNMIS has also resolved a series of standoffs at the sector level, including the deployment of SPLA forces into the former garrison towns of Juba and Kadugli, and contributed to the restoration of security following tribal clashes in Yambio. The Ceasefire Joint Military Committee has registered one ceasefire violation by SPLM/A, which has fallen behind the Comprehensive Peace Agreement schedule for redeployment of troops from the east.

32. The Sudanese Armed Forces have nominated all of their troops for the Joint Integrated Units, but just over half are deployed so far. SPLA has nominated approximately 60 per cent of its troops for the Joint Integrated Units, but has inducted half of its total contribution. The parties should form the Joint Defence Board immediately in order to provide command and control for these forces through the establishment of suitable operational headquarters, as well as logistical support and pay for the troops. The funding of the Joint Integrated Units is a critical issue that needs to be tackled by the Government of National Unity through the establishment of the Joint Defence Board.

33. The parties have agreed to provide permits to United Nations military observers to enable them to enter all military establishments for monitoring and verification tasks, which should also help in the identification of child soldiers.

34. In the meantime, Area Joint Military Committee meetings have been held in all sectors and are reporting to the Ceasefire Joint Military Committee. As expected, mistrust and old grievances between the parties sometimes cause delays. As was the case in the early days of the Ceasefire Joint Military Committee, the parties have often disagreed, but working relationships on the ground have improved over time. Thus far, very few issues have been submitted by Area Joint Military Committees to the Ceasefire Joint Military Committee for resolution, but this may change as more United Nations military observers are deployed to monitor and verify compliance with the Comprehensive Peace Agreement.

35. However, the nomination of national monitors, who will form part of the Joint Military Teams, is experiencing delays. The parties should be aware that, under United Nations rules, the Organization cannot support these monitors from its budget. Both parties insist that they do not have the means to sustain their monitors

and have requested international assistance. The United Nations has proposed establishing a special trust fund to support the deployment of national monitors, but to date no Member State has responded to this appeal.

36. I very much welcome the fact that some donor countries are putting in place plans to support security-sector reform. The role of the International Military Advisory Team will be indispensable in working with the Joint Defence Board, in particular on the establishment of the Joint Integrated Units, which are so integral to the peace process. I appeal to the parties to the Comprehensive Peace Agreement to work tirelessly in reforming their security institutions and to key donors to follow through in this critical area.

Disarmament, demobilization and reintegration

37. Pursuant to paragraph 4 (a) (iv) of resolution 1590 (2005), UNMIS is supporting the interim disarmament, demobilization and reintegration authorities for the north and the south in a number of key assessments and surveys to facilitate the disarmament, demobilization and reintegration of special groups (17,000 children and 1,000 women associated with the armed forces and groups, and about 9,500 disabled ex-combatants). Disarmament of child combatants is planned to start in December 2005.

38. Progress is also being made on donor contributions to the interim disarmament, demobilization and reintegration programme. The Governments of Japan and the United Kingdom of Great Britain and Northern Ireland have contributed $6.88 million and £2 million, respectively, to the implementation of the programme for the needs of special groups. However, serious challenges remain in the full implementation of the interim disarmament, demobilization and reintegration programme, as the establishment of a national coordinating council and disarmament, demobilization and reintegration commissions for northern and southern Sudan, and the formal signing of the interim disarmament, demobilization and reintegration programme by the Government of National Unity, have been delayed. The interim disarmament, demobilization and reintegration authorities, meanwhile, continue to function and build implementation capacity.

39. The Comprehensive Peace Agreement and Security Council resolution 1590 (2005) envisaged a strong supporting role for the United Nations in all aspects of the disarmament, demobilization and reintegration programme, and this support will be crucial during 2006 and 2007, as the parties plan their full disarmament, demobilization and reintegration programme. At the Ceasefire Joint Military Committee meetings held in October and November, SAF disclosed that about 43,000 members of other armed groups were allied to it and SPLA claimed its overall strength to be about 270,000. With the support of the parties, UNMIS will have to play an augmented role (from support to implementation, where needed) in the eventual downsizing and/or voluntary demobilization of these groups, even though the role of the Mission in these activities is not explicitly stated in the Comprehensive Peace Agreement. This augmented role will be required in the light of the limited capacities of the parties and the close link between the disarmament, demobilization and reintegration programme and the UNMIS mandate to support the peace process, and as a result of our experiences in planning with and supporting the parties in their current interim disarmament, demobilization and reintegration programme. However, it is expected that after verification of the declared figures by

the parties through the Ceasefire Joint Military Committee, about 85,000 combatants and 5,500 members of special groups (women and the disabled) will have to be disarmed, demobilized (provided reinsertion support) and reintegrated in 2006 and 2007. UNMIS will be required to deliver timely screening, registration, pre-discharge orientation, psychosocial counselling, transportation and reinsertion support. Given that the General Assembly, in its deliberations on the 2004-2005 UNMIS budget, had questions concerning the extent to which the Mission should provide support to the parties, it would be very helpful if the Security Council would consider explicitly endorsing such an augmented role to support the implementation of the full Sudanese disarmament, demobilization and reintegration plan, including addressing the disarmament, demobilization and reintegration of these other armed groups.

Police

40. The deployment rate of the United Nations police component has increased, and 215 police officers were deployed from 27 countries as at 13 December 2005, still significantly below the authorized number of 715. In Sector IV, team sites were opened in Dilling and Kauda. However, delays in deployment and a lack of facilities continue to be a major cause for concern in other areas, such as Kadugli, Abyei and Juba, where the lack of office and residential accommodation hamper the deployment of additional officers.

41. United Nations police in the field have continued to monitor, advise and report on the activities of the local police in southern Sudan, including criminal investigation and correctional reforms. Confidence-building activities have helped bring together local police, community leaders, students and others. A proposal to co-locate United Nations police in police stations to monitor and train local police was approved by the Police Commander of southern Sudan. In cooperation with the United Nations Development Programme (UNDP), United Nations police have organized 11 training courses for 448 Sudanese police officers that have included input on sexual and gender-based violence. The strategic plan for police development and training is now well advanced.

Public information

42. In Khartoum, UNMIS Radio is ready to go on the air, but the Government has not allocated a frequency and is seeking assurances that the content of all radio broadcasts will be linked to the UNMIS mandate. The Special Representative of the Secretary-General has given such assurances to the Minister of Communication, but there has been no further progress on this issue. Under a draft memorandum of understanding, UNMIS and the Sudan Radio and Television Commission will cooperate at the technical level, although the UNMIS offer to provide technical training has been rejected. The Sudan Radio and Television Commission has stated that UNMIS will not be able to broadcast independently in Darfur or areas in east Sudan, but may be allowed some airtime on Government transmitters. In the light of the overall mandate of UNMIS and the larger problem to be addressed in Darfur after the reaching of a peace agreement, such a limitation will severely restrict the Mission's broadcasting capability.

43. In southern Sudan, UNMIS is planning to start radio transmission from new premises in Juba following positive negotiations with the Government of Southern

Sudan Minister of Information and Juba Radio and TV. UNMIS will provide technical assistance to Juba Radio and TV in exchange for the use of the latter's facilities.

44. While UNMIS is mandated to assist the parties in promoting understanding of the peace process and the role of the Mission, attempts by UNMIS to obtain the support of the Joint Media Commission for a public campaign have not proved successful. However, the UNMIS newsletter and weekly media briefings provide important outlets to the media and the public. As requested in paragraph 4 (a) (v) of resolution 1590 (2005), UNMIS maintains regular contact with the AMIS public information office, offering support and contacts with the Sudanese media.

Economic recovery and reconstruction

45. Sudanese economic growth has been stable and the economy is expected to grow by about 8 per cent in 2005. The 12-month rate of inflation was 14 per cent in July but fell to 8 per cent in September. High world oil prices and capital inflows are strengthening the balance of payments and contributing to exchange-rate appreciation. During the first eight months of 2005, the Sudanese dinar appreciated by 17.5 per cent in real effective terms. Despite higher oil prices and additional revenue, the central government balance is projected to be in deficit by 0.6 per cent of gross domestic product (GDP) in 2005, mainly because of the emergence of a large subsidy on domestic fuels of about 2.9 per cent of GDP. The main priorities for the Sudan at the turn of 2005/2006 are (a) to agree on an all-Sudan poverty reduction strategy and (b) to ensure full transparency of the oil sector.

46. The two multidonor trust funds became operational in June 2005 with the first meetings of the interim oversight committees. The National Fund (focusing on northern Sudan and the Abyei, Nuba Mountains and Blue Nile areas) and the Southern Sudan Fund are administered by the World Bank and chaired by the Government of National Unity and the Government of Southern Sudan, respectively. At the Oslo donors' conference in April 2005, the multidonor trust funds received initial pledges of $500 million through 2007, and by September 2005 the confirmed amount for disbursement in 2005 was $182 million.

47. The multidonor trust funds are an important source of financing for the recovery and development elements of the 2005 and 2006 work plans. By October 2005, the trust funds had provided the initial go-ahead for a national programme in support of the Sudan census and for programmes in the areas of government capacity-building, community development, rule of law, health, education, water and sanitation, and infrastructure development (including transport). The programmes were developed in cooperation with the authorities at the national and local levels. Programmes include significant capacity-building elements as well as cost-sharing arrangements, reflecting the commitment of the Government of National Unity and the Government of Southern Sudan to fund two thirds of the costs of the recovery and development requirements as outlined in the reports of the Joint Assessment Mission presented to the Oslo conference.

Humanitarian assistance

48. Relief assistance reached larger numbers than in the previous reporting period, but there is great concern that the implementation of the Comprehensive Peace Agreement is being undermined in some areas by insecurity, with a direct impact on

civilians and humanitarian activities. Consequently, the humanitarian needs are expected to remain at least at current levels.

49. Cohesive contingency planning by humanitarian agencies enabled the delivery of humanitarian assistance without major gaps, particularly in Darfur, where attacks against clearly marked humanitarian convoys increased in September and continued throughout the reporting period.

50. In the south, the expanding access and mobility of humanitarian operations, which accompanied the end of the rainy season, has been offset partially by insecurity and by the deadly LRA attacks that, for the first time, directly targeted humanitarian workers. As a consequence, armed escorts are required for movement over a large part of Equatoria. Intertribal fighting in Western Equatoria led to the evacuation of United Nations and NGO staff in November and could stifle plans for refugee repatriation from the Central African Republic for the rest of 2005. The clashes have also resulted in the displacement of some 3,000 new refugees across the border to the Democratic Republic of the Congo.

51. In Khartoum, despite serious humanitarian needs for internally displaced persons and the poor, there has been no increase in aid disbursements and therefore no increase in the provision of humanitarian assistance during the reporting period.

Returns

52. In 2005 there have been over 500,000 spontaneous returns in the Sudan. As expected, returnee figures fell significantly around the beginning of the rainy season but began to rise again by September. The United Nations is producing and disseminating fact sheets in English, Juba-Arabic and standard Arabic to potential returnees to provide them with an accurate picture of the situation they will face upon return. The information campaign is using 17 other mediums to circulate information, including churches, theatre groups, local papers and several radio advertisements produced by UNMIS.

53. UNMIS has held consultations with the Government of National Unity and the Government of Southern Sudan to develop a comprehensive returns policy, resulting in an agreement to commence assisted returns in 2006. The parties also agreed on priority criteria for assisted returns based on the security situation of internally displaced persons in their places of origin. The United Nations workplan for 2006 projects the return of 680,000 internally displaced persons and refugees during that year, including 200,000 assisted returns. Of those, the Office of the United Nations High Commissioner for Refugees (UNHCR) will assist 140,000 refugees.

54. Several way stations are under construction. One completed way station in Kosti, on the Nile, is being used for returnees who are forced to wait for barges to depart for Malakal and Juba. In other locations, insecurity, land access and allocation, and procurement problems have caused delays. In Equatoria, a series of way stations to be constructed by UNHCR have all been placed on hold due to LRA activity in the area. Seven way stations, including at Kadugli, Kauda and Malakal, are expected to be completed before the end of the year.

Protection of civilians

55. Civilian monitoring and protection activities across the Sudan remain a high priority. As stated in my report on Darfur dated 23 December 2005, attacks against

civilians and repeated displacements of populations are reported daily. Banditry and extortion by armed militia, recent attacks against an AU patrol and humanitarian convoys, and threats against humanitarian workers have reduced access to the population. Efforts by both the Government and the armed groups to control armed elements are often insufficient or ineffective. The Government must make it a priority to guarantee continuous access for assistance and protection for humanitarian personnel. AU continues to play a key role in supporting the protection of the civilian population.

56. No large-scale forced relocations were noted during the reporting period, although there were reports of harassment (police raids, confiscations) in camps and other poor urban areas. The United Nations participated in talks in which the Government committed not to carry out further relocations. The discussions also focused on ensuring that replanning is conducted appropriately and lawfully, including through a joint technical group. UNMIS also continued to monitor the detention of the 136 detainees who were arrested in relation to the Soba Aradi riots on 18 May 2005.

57. In southern Sudan, the authorities have decided to start releasing children associated with SPLA. While the Sudanese Armed Forces have yet to undertake a survey of children in their ranks, they have reiterated their commitment not to recruit children. Other armed groups continue to incorporate children. For example, in Rubkona, about 200 people, many under 18 years old, were forcibly recruited into a militia group in September. Protection advisers are supporting the work of United Nations military observers and the Area Joint Military Committees to end this practice. It is important that the Government of National Unity adopt legislation criminalizing child recruitment and conduct without delay a survey of children at risk.

Human rights

58. The Comprehensive Peace Agreement and the Interim National Constitution constitute key instruments for reforming laws and institutions to improve the human rights situation in the Sudan. Nevertheless, national security personnel continued to assert arbitrary powers of arrest and detention. Across the country, they are reported to have physically abused detainees and continued to enjoy the benefits of immunity laws. A true improvement in the human rights situation will require bringing national security laws and institutions into line with international human rights standards and the Sudanese Constitution.

59. In Darfur, a spike in attacks by armed militia forces left civilians dead or injured, thousands displaced and homes destroyed. Violence against women and other internally displaced persons and villagers continued to go unabated, and the police continued to provide inadequate protection or failed to carry out sufficient investigations.

60. The Special Criminal Court on the Events in Darfur has handed down six verdicts since it was established on 7 June 2005. None of the cases related to the height of the conflict in 2003 and 2004, and none of the verdicts convicted high-level officials. The Joint Implementation Mechanism Subcommittee on Human Rights and Protection held three productive meetings during the reporting period to discuss the elimination of violence against women in Darfur, the Rules of Application for Criminal Circular 2, human rights violations in West Darfur, a

provisional presidential order on NGOs, and access to detention facilities. The Rules of Application for Criminal Circular 2 were signed by the Minister of Justice on 24 October 2005; they clarify the procedure for the collection of medical evidence and prohibit the harassment of providers of medical care for victims of sexual violence.

61. Human rights officers monitored the detention of individuals arrested in relation to the August 2005 riots in Khartoum following the death of First Vice-President Garang. These include 92 detainees convicted of various minor crimes and given sentences ranging from three to six months' imprisonment, some of whom described receiving beatings during arrest and in pre-trial detention and being denied basic fair-trial guarantees.

62. UNMIS continued its human rights training and capacity- and institution-building activities and provided advisory services to civil society, the Government, legal professionals and the judiciary. Two meetings were organized on the establishment of an independent human rights commission in Khartoum and Juba, and included members of the National Constitutional Review Commission, the National Assembly, the Southern Sudan Legislative Assembly, the Council of States and civil society. A workshop for members of the National Assembly was organized on the national budget and human rights. Four workshops were organized in Khartoum, Darfur, Juba, Abyei and Port Sudan to raise awareness of the Bill of Rights provisions of the Interim National Constitution. In addition, workshops were conducted on international human rights treaty obligations, access to justice, harmonization of national laws with international human rights standards and ensuring that the human rights of women are integrated into the ongoing law-reform process.

Rule of law

63. Working closely with donors, UNMIS and UNDP collaborated in providing support to the Commission Preparatory Team for the National Judicial Service Commission. Bilateral discussions and a round table have been convened with the Commission Preparatory Team, and a workshop was organized to help it conclude its report. The Government of National Unity has agreed to contribute $5 million to an $18 million capacity-building programme of the National Fund to promote the independence of the judiciary. The Southern Sudan Fund has similarly approved a $70 million initial project proposal for rule-of-law capacity-building.

64. The UNDP/International Rescue Committee rule-of-law awareness-raising programme has now reached 7,000 legal and law-enforcement officials. UNDP rule-of-law Officers have been deployed in eastern Sudan, while in Darfur the programme is now also reaching out to non-State armed groups beyond the state capitals and Government-controlled territories. In addition, UNDP has established a number of justice and confidence centres and legal networks to mobilize local lawyers and improve access to justice.

65. The draft laws and mandates of the remaining key commissions (on human rights, civil service and national land) are being prepared. An ad hoc joint committee started discussing the administration of the national capital but failed to agree on the status of Khartoum and whether it should be considered one of the northern states or have a special status as the national capital.

Mine action

66. To enable the return of internally displaced persons and refugees at the end of the rainy season, mine-action teams resumed operations at full strength in the Nuba Mountains, Juba, Rumbek, Yei, Kapoeta, Malakal, Ed Damazin and Darfur. Demining has taken place on 373 kilometres of road, and 1.7 million square metres of suspected dangerous areas have been cleared. The destruction of 522 anti-tank mines, approximately 175,000 pieces of unexploded ordnance, and just under 700 anti-personnel mines has been carried out. The deteriorating security situation in southern Sudan, however, hampered demining activities, which were suspended after the killing of two demining contractors on the Juba-Nimule road. Prior to this suspension, the Juba-Yei road had been verified and cleared to international standards, allowing for emergency Mission deployment and aid delivery. Work continues to clear the road for routine United Nations traffic, which requires an expanded width of safe passage.

67. The United Nations Mine Action Office conducted pre-deployment training of deminers in Egypt, Kenya, Pakistan, Bangladesh and Cambodia. Kenyan and Egyptian companies have been accredited and are ready for deployment. Additional training is scheduled for Bangladesh, Cambodia and Pakistan. Once training is completed, it is anticipated the companies may be deployed.

68. The demining work itself is greatly hampered by a lack of funds. In addition to addressing the immediate needs of the Mission to deploy through route and area clearance, the mine-action component requires improved data collection in order to prioritize high- and medium-impact areas for clearance. Funds are also required for capacity-building activities. The aim of developing local capacity to deal with the problem is to provide increased assets in the medium term and ensure a sustainable capacity in the future.

Gender

69. With respect to paragraphs 14 and 15 of resolution 1590 (2005) and resolution 1325 (2000) on women, peace and security, UNMIS continued supporting gender mainstreaming both within the Mission and with the Government. The Gender Unit also explains the zero-tolerance policy regarding sexual exploitation and abuse to newly arrived staff. A workshop was held in Khartoum on engendering the peace process, during which a gender-mainstreaming strategy was formulated, which highlighted UNMIS priority areas of actions on gender-based violence in Darfur.

70. During the reporting period, the Special Adviser on Gender Issues and Advancement of Women, during a visit to the Sudan, assessed the situation in Darfur and advocated ratification of the Convention on the Elimination of All Forms of Discrimination against Women.

HIV/AIDS

71. The HIV/AIDS Unit conducted induction training for 200 Bangladeshi troops and military observers in Sector I. Regional HIV/AIDS committee activities in Kassala, eastern Sudan and Nyala, Darfur, were intensified. The regional HIV/AIDS committee members in Kassala held workshops in five secondary schools and military camps for 2,600 students and teachers and 450 members of SAF. The Unit also contributed to the induction programme for 435 new staff. The Unit

participated in two community sensitization workshops in Wau and Kassala for 750 participants and provided technical guidance to a workshop for Sudanese women. The Unit also coordinated training for change agents mainstreaming HIV/AIDS in the disarmament, demobilization and reintegration programme.

Conduct and discipline unit

72. The conduct and discipline team is in the process of being established, with the head of unit currently under recruitment. In the interim, the Office of the Chief of Staff performs focal-point functions for conduct and discipline. The Mission investigates category II misconduct cases, while the regional Office of Internal Oversight Services investigation unit provides temporary support for the investigation of all category I misconduct cases, including sexual exploitation and abuse. The Office of Internal Oversight Services has recently placed one resident investigator with UNMIS; four other of its investigators are expected to join soon.

Support from donors

73. The 2005 workplan for the Sudan was revised in October, and total funding requirements now amount to $1.98 billion. With less than a month remaining, it is funded at only 52.5 per cent. Regionally, assistance programmes in Darfur have received 63 per cent, southern Sudan 45 per cent and eastern Sudan and the transitional areas 22 per cent of required funding. While there are shortfalls in all sectors, the following have received less than 20 per cent of the required funding: rule of law and governance (13 per cent), protection (14 per cent), shelter and non-food items (16 per cent), and cross-sector support for return and reintegration (19 per cent). With the start of the dry season, tens of thousands of refugees and internally displaced persons have started returning to some of the most impoverished areas in Africa. They and their host communities need urgent assistance, as do the millions of Sudanese who remain displaced.

74. At the Oslo conference $4.5 billion was pledged for the first three years following the signing of the Comprehensive Peace Agreement for humanitarian, recovery and development activities and support for AMIS. The combined total of all donor resources available for the Sudan in 2005 amounts to more than $1.4 billion, which corresponds roughly to one third of the total amount pledged in Oslo. However, as humanitarian needs still remain very high, it is extremely important that donors remain fully engaged in the Sudan in 2006 and that the requirements of the 2006 workplan are met in a timely manner. They include $1.5 billion for humanitarian priorities and $210 million for recovery programming.

Civilian staffing

75. As at 21 November 2005, the Mission had on board 508 international staff, 912 national staff and 65 United Nations Volunteers (UNVs). The recruitment of 179 additional civilian staff is under way (69 international, 85 national and 25 UNVs).

Financial aspects

76. The General Assembly, by its resolution 60/122 of 8 December 2005, appropriated $969,468,800, equivalent to $80,789,100 per month, for UNMIS for the period from 1 July 2005 to 30 June 2006. Should the Security Council decide to

extend the mandate of UNMIS beyond 24 March 2006, the cost of maintaining the Mission until 30 June 2006 would be limited to the amounts approved by the General Assembly.

77. As at 30 November 2005, unpaid assessed contributions to the special account for UNMIS amounted to $192.6 million out of a total of $595.5 million authorized by the General Assembly in its resolution 59/292. The total outstanding assessed contributions for all peacekeeping operations as at that date amounted to $2,761.6 million.

IV. Observations

78. While the peace process is on track, serious concerns about implementation of the Comprehensive Peace Agreement remain. Relations between NCP and SPLM are developing, but distrust persists on both sides. Relations may come under further strain as a set of contentious issues, the details of which were not always agreed to in Naivasha, will need to be resolved. The parties must know that there is no alternative to the Comprehensive Peace Agreement framework, which needs to be implemented earnestly and in full. One of the most contentious issues concerns the implementation of the Abyei Boundary Commission decision and the setting up of the Abyei area Executive Council. Others include deep-rooted social issues pertaining to the administration of the national capital and the determination and allocation of oil revenues. In addition, the Joint Defence Board should be established as soon as possible. These and other issues need to be addressed in line with the Comprehensive Peace Agreement and its priority of making unity attractive to the people of southern Sudan. Specific steps in this direction are indispensable.

79. Every effort will continue to be made to ensure the swift completion of deployment of the full complement of UNMIS military and civilian personnel. Lags in deployment are hampering the Mission's ability to carry out its mandate effectively in key areas of the ceasefire zone.

80. In southern Sudan, while capacity-building must be a paramount issue, security has also become a matter of growing concern. I urge the Government of National Unity and the Government of Southern Sudan to take appropriate measures to tackle the insecurity there, and to protect the civilian population and United Nations and NGO staff in areas where LRA and other armed groups operate. At the same time, the newly established Government of Southern Sudan should encourage continuing reconciliation throughout the region.

81. In Darfur, security on the ground must urgently improve, and the search for a durable political peace, including a permanent ceasefire, must be intensified. The seventh round of negotiations in Abuja should be pursued vigorously until an agreement is reached. Such an agreement must be followed by early confidence-building measures and a broader, fully inclusive dialogue between all the parties in Darfur to chart an agreed, longer-term strategy for sustainable peace and development in the region. The Government and the rebel movements must work towards an early settlement and must cooperate fully with the African Union Mission in the Sudan. Those who continue impeding the peaceful resolution of the conflict should know that they will be held accountable. Moreover, humanitarian relief must be increased and must be delivered unimpeded. The Government should

be mindful that this is a responsibility that it shares with the international community.

82. In eastern Sudan, the withdrawal of SPLA from the Hameshkoreib region could create a power vacuum. Given the current tensions between Eritrea and Ethiopia, humanitarian assistance provided by NGOs to this region through Eritrea might become difficult. I therefore urge the Eastern Front leaders to facilitate a security and humanitarian assessment of the area so as to allow humanitarian access from within the Sudan. Most importantly, direct talks on the situation in the east must begin and produce a political agreement without further procrastination. Given the fluidity of the situation on the ground and the uncertainties noted above, the United Nations will need to maintain a multifunctional presence, including United Nations military observers and force-protection elements, in eastern Sudan beyond the Comprehensive Peace Agreement deadline of 9 January 2006 for redeployment of SPLA.

83. The way ahead in the Sudan presents a number of difficult obstacles. While the overall economic outlook for the Sudan has improved somewhat, insecurity in southern Sudan and Darfur threatens to undermine the international effort to help move those areas from relief to recovery. Equally, a political agreement continues to elude the parties to the Darfur and eastern Sudan conflicts. It needs to be reiterated that all current peace processes are interlinked and mutually reinforce each other.

84. In the final analysis, peace in the Sudan is indivisible and cannot flourish in one part of the country if it is fledgling in another. The parties to the Abuja peace talks must seize this occasion to negotiate earnestly and in good faith. The Eastern Front must similarly negotiate with the Government of National Unity a political solution to the conflict in its region without further delay. SPLM and NCP must continue to work together and must strive for inclusiveness and transparency, so that a genuine and effective Government of National Unity provides national leadership and deals effectively with the numerous potential spoilers that have the capacity to derail the quest for peace. In its turn, the international community is expected to honour its pledges and commitments, while key partners must work together to bring maximum political leverage and practical and financial support to bear on all aspects of the peace processes. While all donors must play their part and contribute to the common objective of helping the people of the Sudan secure the peace that they so much deserve, the ultimate responsibility for movement forward rests with the Sudanese parties and their leaders, who are responsible to their populations for the faithful implementation of their stated commitments.